

By:

Lucio

S.B. No. 967

A BILL TO BE ENTITLED

AN ACT

relating to the water infrastructure fund, rural water assistance fund, rural community water and wastewater loan fund, and colonia self-help account.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 15.903, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 15.903. WATER INFRASTRUCTURE FUND. (a) The water infrastructure fund is a special fund ~~[account]~~ in the state treasury ~~[general revenue fund]~~ to be administered by the board under this subchapter and rules adopted by the board under this subchapter. Money in the fund may be used to pay for the implementation of water projects recommended through the state and regional water planning processes under Sections 16.051 and 16.053.

(b) The fund consists of:

- (1) appropriations from the legislature;
- (2) any other fees or sources of revenue that the legislature may dedicate for deposit to the fund;
- (3) repayments of loans made from the fund;
- (4) interest earned on money credited to the fund;
- (5) depository interest allocable to the fund ~~[in the general revenue fund]~~;
- (6) money from gifts, grants, or donations to the

1 fund;

2 (7) money from revenue bonds or other sources
3 designated by the board; and

4 (8) proceeds from the sale of political subdivision
5 bonds or obligations held in the fund and not otherwise pledged to
6 the discharge, repayment, or redemption of revenue bonds or other
7 bonds, the proceeds of which were placed in the fund.

8 SECTION 2. Subsection (e), Section 15.903, Water Code, as
9 added by Chapter 1234, Acts of the 77th Legislature, Regular
10 Session, 2001, is amended to read as follows:

11 (e) A loan provided under this subchapter may not exceed a
12 [~~\$250,000 for each project, and the~~] term of [~~a loan may not exceed~~]
13 20 years.

14 SECTION 3. Section 15.951, Water Code, as added by Chapter
15 966, Acts of the 77th Legislature, Regular Session, 2001, is
16 amended to read as follows:

17 Sec. 15.951. PURPOSE. The legislature finds that the rural
18 areas of the state, characterized by small populations extended
19 over disproportionately large service areas, require a means of
20 financing water and water quality enhancement projects in addition
21 to those established by other provisions of this chapter.

22 SECTION 4. Section 15.953, Water Code, as added by Chapter
23 966, Acts of the 77th Legislature, Regular Session, 2001, is
24 amended to read as follows:

25 Sec. 15.953. FUND. The rural water assistance fund is a
26 special fund [~~account~~] in the state treasury [~~general revenue~~
27 ~~fund~~]. The fund consists of:

(1) money directly appropriated to the board;

(2) repayment of principal and interest from loans made from the fund not otherwise needed as a source of revenue pursuant to Section 17.9615(b);

(3) money transferred by the board from any sources available; and

(4) interest earned on the investment of money in the fund and depository interest allocable to the fund [~~in the general revenue fund~~].

SECTION 5. Subsections (a) and (b), Section 15.954, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, are amended to read as follows:

(a) The fund may be used to provide low-interest loans to rural political subdivisions for water or water-related projects and for water quality enhancement projects, including the purchase of well fields, the purchase or lease of rights to produce groundwater, onsite or wetland wastewater treatment facilities, and interim financing of construction projects.

(b) The fund may be used to enable a rural political subdivision to obtain water or wastewater service supplied by larger political subdivisions or to finance the consolidation or regionalizing of neighboring political subdivisions, or both.

SECTION 6. Subsections (a) and (b), Section 15.952, Water Code, as added by Chapter 1234, Acts of the 77th Legislature, Regular Session, 2001, are amended to read as follows:

(a) The colonia self-help account is an account in the water assistance fund [~~general revenue fund~~] that may be used by the board

1 ~~[appropriated]~~ only for the purposes of this subchapter.

2 (b) The account consists of:

3 (1) money transferred by the legislature directly to
4 the account;

5 (2) money transferred at the board's discretion from
6 the fund; and

7 (3) gifts, grants, or donations to the account[~~, and~~
8 ~~[(4) interest earned on money credited to the~~
9 ~~account]~~].

10 SECTION 7. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2003.

By: Lucio S.B. No. 967
(In the Senate - Filed March 6, 2003; March 13, 2003, read first time and referred to Committee on Natural Resources; April 22, 2003, reported adversely, with favorable Committee Substitute by the following vote: Yeas 10, Nays 0; April 22, 2003, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 967

By: Lucio

A BILL TO BE ENTITLED
AN ACT

relating to financial assistance and bonding authority in the development of certain water resources in the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 15.903, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 15.903. WATER INFRASTRUCTURE FUND. (a) The water infrastructure fund is a special fund ~~[account]~~ in the state treasury ~~[general revenue fund]~~ to be administered by the board under this subchapter and rules adopted by the board under this subchapter. Money in the fund may be used to pay for the implementation of water projects recommended through the state and regional water planning processes under Sections 16.051 and 16.053.

(b) The fund consists of:

(1) appropriations from the legislature;
(2) any other fees or sources of revenue that the legislature may dedicate for deposit to the fund;
(3) repayments of loans made from the fund;
(4) interest earned on money credited to the fund;
(5) depository interest allocable to the fund ~~[in the general revenue fund]~~;

(6) money from gifts, grants, or donations to the fund;

(7) money from revenue bonds or other sources designated by the board; and

(8) proceeds from the sale of political subdivision bonds or obligations held in the fund and not otherwise pledged to the discharge, repayment, or redemption of revenue bonds or other bonds, the proceeds of which were placed in the fund.

SECTION 2. Subsection (e), Section 15.903, Water Code, as added by Chapter 1234, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(e) A loan provided under this subchapter may not exceed a ~~[\$250,000 for each project, and the]~~ term of ~~[a loan may not exceed]~~ 20 years.

SECTION 3. Section 15.951, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 15.951. PURPOSE. The legislature finds that the rural areas of the state, characterized by small populations extended over disproportionately large service areas, require a means of financing water and water quality enhancement projects in addition to those established by other provisions of this chapter.

SECTION 4. Section 15.953, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 15.953. FUND. The rural water assistance fund is a special fund ~~[account]~~ in the state treasury ~~[general revenue fund]~~. The fund consists of:

(1) money directly appropriated to the board;
(2) repayment of principal and interest from loans made from the fund not otherwise needed as a source of revenue pursuant to Section 17.9615(b);
(3) money transferred by the board from any sources

2-1 available; and

2-2 (4) interest earned on the investment of money in the
2-3 fund and depository interest allocable to the fund [~~in the general~~
2-4 ~~revenue fund~~].

2-5 SECTION 5. Subsections (a) and (b), Section 15.954, Water
2-6 Code, as added by Chapter 966, Acts of the 77th Legislature, Regular
2-7 Session, 2001, are amended to read as follows:

2-8 (a) The fund may be used to provide low-interest loans to
2-9 rural political subdivisions for water or water-related projects
2-10 and for water quality enhancement projects, including the purchase
2-11 of well fields, the purchase or lease of rights to produce
2-12 groundwater, onsite or wetland wastewater treatment facilities,
2-13 and interim financing of construction projects.

2-14 (b) The fund may be used to enable a rural political
2-15 subdivision to obtain water or wastewater service supplied by
2-16 larger political subdivisions or to finance the consolidation or
2-17 regionalizing of neighboring political subdivisions, or both.

2-18 SECTION 6. Subsections (a) and (b), Section 15.952, Water
2-19 Code, as added by Chapter 1234, Acts of the 77th Legislature,
2-20 Regular Session, 2001, are amended to read as follows:

2-21 (a) The colonia self-help account is an account in the water
2-22 assistance fund [~~general revenue fund~~] that may be used by the board
2-23 [appropriated] only for the purposes of this subchapter.

2-24 (b) The account consists of:

- 2-25 (1) money transferred by the legislature directly to
2-26 the account;
2-27 (2) money transferred at the board's discretion from
2-28 the fund; and
2-29 (3) gifts, grants, or donations to the account [~~and~~
2-30 ~~(4) interest earned on money credited to the~~
2-31 ~~account~~].

2-32 SECTION 7. Subsection (e), Section 49.153, Water Code, is
2-33 amended to read as follows:

2-34 (e) Subsection (c) does not apply to:

- 2-35 (1) a note issued to and approved by the:
2-36 (A) Farmers Home Administration;
2-37 (B) United States Department of Agriculture;
2-38 [~~or~~]
2-39 (C) Texas Water Development Board; or
2-40 (D) North American Development Bank; or
2-41 (2) a district described by Section 49.181(h).

2-42 SECTION 8. Subsection (a), Section 49.181, Water Code, is
2-43 amended to read as follows:

2-44 (a) A district may not issue bonds unless the commission
2-45 determines that the project to be financed by the bonds is feasible
2-46 and issues an order approving the issuance of the bonds. This
2-47 section does not apply to refunding bonds or bonds issued to and
2-48 approved by the Farmers Home Administration, the United States
2-49 Department of Agriculture, the North American Development Bank, or
2-50 the Texas Water Development Board.

2-51 SECTION 9. Subsections (a) and (b), Section 49.183, Water
2-52 Code, are amended to read as follows:

2-53 (a) Except for refunding bonds, or bonds sold to a state or
2-54 federal agency or to the North American Development Bank, bonds
2-55 issued by a district shall be sold after advertising for and
2-56 receiving competitive sealed bids and shall be awarded to the
2-57 bidder whose bid produces the lowest net effective interest rate to
2-58 the district.

2-59 (b) Except for refunding bonds, or bonds sold to a state or
2-60 federal agency or to the North American Development Bank, before
2-61 any bonds are sold by a district, the board shall publish an
2-62 appropriate notice of the sale:

2-63 (1) at least one time not less than 10 days before the
2-64 date of sale in a newspaper of general circulation in the county or
2-65 counties in which the district is located; and

2-66 (2) at least one time in one or more recognized
2-67 financial publications of general circulation in the state as
2-68 approved by the state attorney general.

2-69 SECTION 10. This Act takes effect immediately if it

3-1 receives a vote of two-thirds of all the members elected to each
3-2 house, as provided by Section 39, Article III, Texas Constitution.
3-3 If this Act does not receive the vote necessary for immediate
3-4 effect, this Act takes effect September 1, 2003.

3-5

* * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 967
By Lucio
(Author/Senate Sponsor)
4/22/03
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 4-15-02, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☐ the caption remained the same as original measure
☒ the caption changed with adoption of the substitute

☐ do pass as substituted, and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Jackson, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Barrientos	<input checked="" type="checkbox"/>			
Senator Duncan	<input checked="" type="checkbox"/>			
Senator Estes	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Hinojosa	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Lucio	<input checked="" type="checkbox"/>			
Senator Shapiro	<input checked="" type="checkbox"/>			
Senator Staples			<input checked="" type="checkbox"/>	
TOTAL VOTES	10	0	1	0

COMMITTEE ACTION

§260 Considered in public hearing
§270 Testimony taken

Kelly C. Gilbert
COMMITTEE CLERK

X. J. [Signature]
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

SB 967

SENATE COMMITTEE REPORT

Natural Resources

April 15, 2003 - 10:00AM

FOR: de Lafuente, Veronica Program Coordinator (Cameron County Judge's Office),
Brownsville, TX

ON: Maldonado, Susan Attorney (Texas General Land Office), Austin, TX

Registering, but not testifying:

FOR: Johnson, Amy Attorney (Border Water Works), Austin, TX

ON: Olson, Leonard Deputy Executive Administrator (TX Water Development Board),
Austin, TX

BILL ANALYSIS

Senate Research Center

C.S.S.B. 967
By: Lucio
Natural Resources
4/16/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.S.B. 967 clarifies legislation passed during the 77th Texas Legislature that created new water- and wastewater-related funds, including the colonia self-help account, under the Texas Water Development Board.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.903, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 15.903. WATER INFRASTRUCTURE FUND. Provides that the water infrastructure fund is a special fund, rather than account, in the state treasury, rather than general revenue fund, to be administered by the Texas Water Development Board (board) under this subchapter and rules adopted by the board under this subchapter. Makes conforming changes.

SECTION 2. Amends Section 15.903(e), Water Code, as added by Chapter 1234, Acts of the 77th Legislature, Regular Session, 2001, to provide that a loan provided under this subchapter may not exceed a term of 20 years. Deletes text providing that a loan provided under this subchapter may not exceed \$250,000 for each project.

SECTION 3. Amends Section 15.951, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 15.951. PURPOSE. Includes water quality enhancement projects in the purpose of this chapter.

SECTION 4. Amends Section 15.953, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 15.953. FUND. Provides that the rural water assistance fund is a special fund rather than account in the state treasury rather than the general revenue fund. Provides that the fund consist of certain monies including interest earned on the investment of money in the fund and depository interest allocable to the fund rather than in the general revenue fund.

SECTION 5. Amends Sections 15.954(a) and (b), Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, as follows:

(a) Authorizes the fund to be used to provide low-interest loans to rural political subdivisions for water or water-related projects and for water quality enhancement projects, including the purchase of well fields, the purchase or lease of rights to produce groundwater, onsite or wetland wastewater treatment facilities, and interim financing of

construction projects.

(b) Authorizes the fund to be used to enable a rural political subdivision to obtain water or wastewater service supplied by larger political subdivisions or to finance the consolidation or regionalizing of neighboring political subdivisions or both.

SECTION 6. Amends Sections 15.952(a) and (b), Water Code, as added by Chapter 1234, Acts of the 77th Legislature, Regular Session, 2001, as follows:

(a) Provides that the colonia self-help account is an account in the water assistance fund, rather than in the general revenue fund, that may be used, rather than appropriated, by the board only for the purposes of this subchapter.

(b) Deletes the provision that interest earned on money credited to the account is among the funds of the account.

SECTION 7. Amends Section 49.153(e), Water Code, to provide that Subsection (c) does not apply to certain notes or districts, including a note issued to and approved by the North American Development Bank.

SECTION 8. Amends Section 49.181(a), Water Code, to make a conforming change.

SECTION 9. Amends Sections 49.183(a) and (b), Water Code, to make conforming changes.

SECTION 10. Effective date: upon passage or September 1, 2003.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 22, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB967 by Lucio (Relating to financial assistance and bonding authority in the development of certain water resources in the state.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would make the General Revenue Water Infrastructure Account No. 5067 and General Revenue Rural Water Assistance Account No. 5068 special funds in the state treasury, outside of the General Revenue Fund; and it would make General Revenue Dedicated Colonia Self-Help Account No. 5076 an account in the Water Assistance Fund No. 480. The bill would remove the loan cap of \$250,000 per rural community water or wastewater projects and expand the use of the Rural Community Water and Wastewater Loan Fund. Since there are no balances in any of the accounts that would be moved upon passage of the bill, no fiscal impact is expected.

The bill would also provide for the sale by water districts of bonds to the North American Development Bank. This is not expected to have a significant impact on the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 580 Water Development Board, 304 Comptroller of Public Accounts

LBB Staff: JK, CL, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 25, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB967 by Lucio (Relating to the water infrastructure fund, rural water assistance fund, rural community water and wastewater loan fund, and colonia self-help account.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would make the General Revenue Water Infrastructure Account No. 5067 and General Revenue Rural Water Assistance Account No. 5068 special funds in the state treasury, outside of the General Revenue Fund; and it would make General Revenue Dedicated Colonia Self-Help Account No. 5076 an account in the Water Assistance Fund No. 480.

The bill would remove the loan cap of \$250,000 per rural community water or wastewater projects and expand the use of the Rural Community Water and Wastewater Loan Fund.

Since there currently are no balances in any of the accounts that would be moved upon passage of the bill, no fiscal impact is expected.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 580 Water Development Board

LBB Staff: JK, CL, TL

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 967, by Lucio,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Natural Resources on 4/15, 2003,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Robby C. Gillert
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ADOPTED

MAY 01 2003

Atty. Gen.
Secretary of the Senate

By: Lucio

S.B. No. 967

Substitute the following for S.B. No. 967:

By: *Lucio*

C.S.S.B. No. 967

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(b) The fund consists of:

- (1) appropriations from the legislature;
- (2) any other fees or sources of revenue that the legislature may dedicate for deposit to the fund;
- (3) repayments of loans made from the fund;
- (4) interest earned on money credited to the fund;
- (5) depository interest allocable to the fund [~~in the general revenue fund~~];
- (6) money from gifts, grants, or donations to the fund;

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2 designated by the board; and

3 (8) proceeds from the sale of political subdivision
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11 [~~\$250,000 for each project, and the~~] term of [~~a loan may not exceed~~]
12 20 years.

13 SECTION 3. Section 15.951, Water Code, as added by Chapter
14 966, Acts of the 77th Legislature, Regular Session, 2001, is
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17 areas of the state, characterized by small populations extended
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25 special fund [~~account~~] in the state treasury [~~general revenue~~
26 ~~fund~~]. The fund consists of:

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(2) repayment of principal and interest from loans made from the fund not otherwise needed as a source of revenue pursuant to Section 17.9615(b);

(3) money transferred by the board from any sources available; and

(4) interest earned on the investment of money in the fund and depository interest allocable to the fund [~~in the general revenue fund~~].

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(a) The fund may be used to provide low-interest loans to rural political subdivisions for water or water-related projects and for water quality enhancement projects, including the purchase of well fields, the purchase or lease of rights to produce groundwater, onsite or wetland wastewater treatment facilities, and interim financing of construction projects.

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(a) The colonia self-help account is an account in the water assistance fund [~~general revenue fund~~] that may be used by the board [~~appropriated~~] only for the purposes of this subchapter.

(b) The account consists of:

- (1) money transferred by the legislature directly to the account;
- (2) money transferred at the board's discretion from the fund; and
- (3) gifts, grants, or donations to the account~~[, and~~
~~[(4) interest earned on money credited to the~~
~~account]~~.

SECTION 7. Subsection (e), Section 49.153, Water Code, is amended to read as follows:

(e) Subsection (c) does not apply to:

- (1) a note issued to and approved by the:
 - (A) Farmers Home Administration;
 - (B) United States Department of Agriculture;
 - ~~or~~
 - (C) Texas Water Development Board; or
 - (D) North American Development Bank; or
- (2) a district described by Section 49.181(h).

SECTION 8. Subsection (a), Section 49.181, Water Code, is amended to read as follows:

(a) A district may not issue bonds unless the commission determines that the project to be financed by the bonds is feasible and issues an order approving the issuance of the bonds. This section does not apply to refunding bonds or bonds issued to and approved by the Farmers Home Administration, the United States Department of Agriculture, the North American Development Bank, or the Texas Water Development Board.

1 SECTION 9. Subsections (a) and (b), Section 49.183, Water
2 Code, are amended to read as follows:

3 (a) Except for refunding bonds, or bonds sold to a state or
4 federal agency or to the North American Development Bank, bonds
5 issued by a district shall be sold after advertising for and
6 receiving competitive sealed bids and shall be awarded to the
7 bidder whose bid produces the lowest net effective interest rate to
8 the district.

9 (b) Except for refunding bonds, or bonds sold to a state or
10 federal agency or to the North American Development Bank, before
11 any bonds are sold by a district, the board shall publish an
12 appropriate notice of the sale:

13 (1) at least one time not less than 10 days before the
14 date of sale in a newspaper of general circulation in the county or
15 counties in which the district is located; and

16 (2) at least one time in one or more recognized
17 financial publications of general circulation in the state as
18 approved by the state attorney general.

19 SECTION 10. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2003.

Engrossed May 1, 2003
Mardi Clepper
Engrossing Clerk

I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee

Chief Clerk of the House

By: Lucio
(Wise)

S.B. No. 967

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implementation of water projects recommended through the state and
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(b) The fund consists of:

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legislature may dedicate for deposit to the fund;
- (3) repayments of loans made from the fund;
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- (5) depository interest allocable to the fund [~~in the~~
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- (6) money from gifts, grants, or donations to the
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9 Session, 2001, is amended to read as follows:

10 (e) A loan provided under this subchapter may not exceed a
11 [~~\$250,000 for each project, and the~~] term of [~~a loan may not exceed~~]
12 20 years.

13 SECTION 3. Section 15.951, Water Code, as added by Chapter
14 966, Acts of the 77th Legislature, Regular Session, 2001, is
15 amended to read as follows:

16 Sec. 15.951. PURPOSE. The legislature finds that the rural
17 areas of the state, characterized by small populations extended
18 over disproportionately large service areas, require a means of
19 financing water and water quality enhancement projects in addition
20 to those established by other provisions of this chapter.

21 SECTION 4. Section 15.953, Water Code, as added by Chapter
22 966, Acts of the 77th Legislature, Regular Session, 2001, is
23 amended to read as follows:

24 Sec. 15.953. FUND. The rural water assistance fund is a
25 special fund [~~account~~] in the state treasury [~~general revenue~~
26 ~~fund~~]. The fund consists of:

27 (1) money directly appropriated to the board;

(2) repayment of principal and interest from loans made from the fund not otherwise needed as a source of revenue pursuant to Section 17.9615(b);

(3) money transferred by the board from any sources available; and

(4) interest earned on the investment of money in the fund and depository interest allocable to the fund [~~in the general revenue fund~~].

SECTION 5. Subsections (a) and (b), Section 15.954, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, are amended to read as follows:

(a) The fund may be used to provide low-interest loans to rural political subdivisions for water or water-related projects and for water quality enhancement projects, including the purchase of well fields, the purchase or lease of rights to produce groundwater, onsite or wetland wastewater treatment facilities, and interim financing of construction projects.

(b) The fund may be used to enable a rural political subdivision to obtain water or wastewater service supplied by larger political subdivisions or to finance the consolidation or regionalizing of neighboring political subdivisions, or both.

SECTION 6. Subsections (a) and (b), Section 15.952, Water Code, as added by Chapter 1234, Acts of the 77th Legislature, Regular Session, 2001, are amended to read as follows:

(a) The colonia self-help account is an account in the water assistance fund [~~general revenue fund~~] that may be used by the board [~~appropriated~~] only for the purposes of this subchapter.

(b) The account consists of:

- (1) money transferred by the legislature directly to the account;
- (2) money transferred at the board's discretion from the fund; and
- (3) gifts, grants, or donations to the account [~~and~~
~~[(4) interest earned on money credited to the~~
~~account]~~.

SECTION 7. Subsection (e), Section 49.153, Water Code, is amended to read as follows:

(e) Subsection (c) does not apply to:

(1) a note issued to and approved by the:

(A) Farmers Home Administration;

(B) United States Department of Agriculture;

[~~or~~]

(C) Texas Water Development Board; or

(D) North American Development Bank; or

(2) a district described by Section 49.181(h).

SECTION 8. Subsection (a), Section 49.181, Water Code, is amended to read as follows:

(a) A district may not issue bonds unless the commission determines that the project to be financed by the bonds is feasible and issues an order approving the issuance of the bonds. This section does not apply to refunding bonds or bonds issued to and approved by the Farmers Home Administration, the United States Department of Agriculture, the North American Development Bank, or the Texas Water Development Board.

1 SECTION 9. Subsections (a) and (b), Section 49.183, Water
2 Code, are amended to read as follows:

3 (a) Except for refunding bonds, or bonds sold to a state or
4 federal agency or to the North American Development Bank, bonds
5 issued by a district shall be sold after advertising for and
6 receiving competitive sealed bids and shall be awarded to the
7 bidder whose bid produces the lowest net effective interest rate to
8 the district.

9 (b) Except for refunding bonds, or bonds sold to a state or
10 federal agency or to the North American Development Bank, before
11 any bonds are sold by a district, the board shall publish an
12 appropriate notice of the sale:

13 (1) at least one time not less than 10 days before the
14 date of sale in a newspaper of general circulation in the county or
15 counties in which the district is located; and

16 (2) at least one time in one or more recognized
17 financial publications of general circulation in the state as
18 approved by the state attorney general.

19 SECTION 10. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2003.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 22, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB967** by Lucio (Relating to financial assistance and bonding authority in the development of certain water resources in the state.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would make the General Revenue Water Infrastructure Account No. 5067 and General Revenue Rural Water Assistance Account No. 5068 special funds in the state treasury, outside of the General Revenue Fund; and it would make General Revenue Dedicated Colonia Self-Help Account No. 5076 an account in the Water Assistance Fund No. 480. The bill would remove the loan cap of \$250,000 per rural community water or wastewater projects and expand the use of the Rural Community Water and Wastewater Loan Fund. Since there are no balances in any of the accounts that would be moved upon passage of the bill, no fiscal impact is expected.

The bill would also provide for the sale by water districts of bonds to the North American Development Bank. This is not expected to have a significant impact on the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 580 Water Development Board, 304 Comptroller of Public Accounts

LBB Staff: JK, CL, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 25, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB967 by Lucio (Relating to the water infrastructure fund, rural water assistance fund, rural community water and wastewater loan fund, and colonia self-help account.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would make the General Revenue Water Infrastructure Account No. 5067 and General Revenue Rural Water Assistance Account No. 5068 special funds in the state treasury, outside of the General Revenue Fund; and it would make General Revenue Dedicated Colonia Self-Help Account No. 5076 an account in the Water Assistance Fund No. 480.

The bill would remove the loan cap of \$250,000 per rural community water or wastewater projects and expand the use of the Rural Community Water and Wastewater Loan Fund.

Since there currently are no balances in any of the accounts that would be moved upon passage of the bill, no fiscal impact is expected.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 580 Water Development Board

LBB Staff: JK, CL, TL

HOUSE COMMITTEE REPORT

1st Printing

11-12-17 12:44
HOUSE OF REPRESENTATIVES

By: Lucio
(Wise)

S.B. No. 967

A BILL TO BE ENTITLED

AN ACT

relating to financial assistance and bonding authority in the development of certain water resources in the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 15.903, Water Code, as added by Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 15.903. WATER INFRASTRUCTURE FUND. (a) The water infrastructure fund is a special fund [~~account~~] in the state treasury [~~general revenue fund~~] to be administered by the board under this subchapter and rules adopted by the board under this subchapter. Money in the fund may be used to pay for the implementation of water projects recommended through the state and regional water planning processes under Sections 16.051 and 16.053.

(b) The fund consists of:

- (1) appropriations from the legislature;
- (2) any other fees or sources of revenue that the legislature may dedicate for deposit to the fund;
- (3) repayments of loans made from the fund;
- (4) interest earned on money credited to the fund;
- (5) depository interest allocable to the fund [~~in the general revenue fund~~];
- (6) money from gifts, grants, or donations to the fund;

1 (7) money from revenue bonds or other sources
2 designated by the board; and

3 (8) proceeds from the sale of political subdivision
4 bonds or obligations held in the fund and not otherwise pledged to
5 the discharge, repayment, or redemption of revenue bonds or other
6 bonds, the proceeds of which were placed in the fund.

7 SECTION 2. Subsection (e), Section 15.903, Water Code, as
8 added by Chapter 1234, Acts of the 77th Legislature, Regular
9 Session, 2001, is amended to read as follows:

10 (e) A loan provided under this subchapter may not exceed a
11 [~~\$250,000 for each project, and the~~] term of [~~a loan may not exceed~~]
12 20 years.

13 SECTION 3. Section 15.951, Water Code, as added by Chapter
14 966, Acts of the 77th Legislature, Regular Session, 2001, is
15 amended to read as follows:

16 Sec. 15.951. PURPOSE. The legislature finds that the rural
17 areas of the state, characterized by small populations extended
18 over disproportionately large service areas, require a means of
19 financing water and water quality enhancement projects in addition
20 to those established by other provisions of this chapter.

21 SECTION 4. Section 15.953, Water Code, as added by Chapter
22 966, Acts of the 77th Legislature, Regular Session, 2001, is
23 amended to read as follows:

24 Sec. 15.953. FUND. The rural water assistance fund is a
25 special fund [~~account~~] in the state treasury [~~general revenue~~
26 ~~fund~~]. The fund consists of:

27 (1) money directly appropriated to the board;

1 (2) repayment of principal and interest from loans
2 made from the fund not otherwise needed as a source of revenue
3 pursuant to Section 17.9615(b);

4 (3) money transferred by the board from any sources
5 available; and

6 (4) interest earned on the investment of money in the
7 fund and depository interest allocable to the fund [~~in the general~~
8 ~~revenue fund~~].

9 SECTION 5. Subsections (a) and (b), Section 15.954, Water
10 Code, as added by Chapter 966, Acts of the 77th Legislature, Regular
11 Session, 2001, are amended to read as follows:

12 (a) The fund may be used to provide low-interest loans to
13 rural political subdivisions for water or water-related projects
14 and for water quality enhancement projects, including the purchase
15 of well fields, the purchase or lease of rights to produce
16 groundwater, onsite or wetland wastewater treatment facilities,
17 and interim financing of construction projects.

18 (b) The fund may be used to enable a rural political
19 subdivision to obtain water or wastewater service supplied by
20 larger political subdivisions or to finance the consolidation or
21 regionalizing of neighboring political subdivisions, or both.

22 SECTION 6. Subsections (a) and (b), Section 15.952, Water
23 Code, as added by Chapter 1234, Acts of the 77th Legislature,
24 Regular Session, 2001, are amended to read as follows:

25 (a) The colonia self-help account is an account in the water
26 assistance fund [~~general revenue fund~~] that may be used by the board
27 [~~appropriated~~] only for the purposes of this subchapter.

(b) The account consists of:

(1) money transferred by the legislature directly to the account;

(2) money transferred at the board's discretion from the fund; and

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4 federal agency or to the North American Development Bank, bonds
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7 bidder whose bid produces the lowest net effective interest rate to
8 the district.

9 (b) Except for refunding bonds, or bonds sold to a state or
10 federal agency or to the North American Development Bank, before
11 any bonds are sold by a district, the board shall publish an
12 appropriate notice of the sale:

13 (1) at least one time not less than 10 days before the
14 date of sale in a newspaper of general circulation in the county or
15 counties in which the district is located; and

16 (2) at least one time in one or more recognized
17 financial publications of general circulation in the state as
18 approved by the state attorney general.

19 SECTION 10. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

5/7/03
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES

to whom was referred SB 967 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☐ yes ☒ no A fiscal note was requested.
- ☐ yes ☒ no A criminal justice policy impact statement was requested.
- ☐ yes ☒ no An equalized educational funding impact statement was requested.
- ☐ yes ☒ no An actuarial analysis was requested.
- ☐ yes ☒ no A water development policy impact statement was requested.
- ☐ yes ☒ no A tax equity note was requested.

☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Wise

Joint Sponsors: / / /

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Puente, Chair	X			
Callegari, Vice-chair				X
Campbell	X			
Cook, R.	X			
Geren	X			
Hamilton	X			
Hardcastle	X			
Hope	X			
Wolens				X

Total 7 aye
0 nay
0 present, not voting
2 absent

Al/HAA
CHAIR

BILL ANALYSIS

S.B. 967
By: Lucio
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

This bill clarifies legislation passed during the 77th Legislature that created new water and wastewater related funds, including the Colonia Self-help account, under the Texas Water Development Board.

During the 77th Legislature, the Water Infrastructure Fund, the Rural Water Assistance Fund, and the Colonia Self-help account were established as special accounts in the State's general revenue fund. Given the restrictions imposed by the legislation the Water Development Board developed the best and most viable financing avenues possible. Based upon the legislation passed in the 77th Legislature, the Water Development Board authorized money-saving self-help Colonia projects to be completed during the interim by non-profit organizations and active citizens. Unfortunately, when the Water Development Board attempted to reimburse the approved projects, it was determined that the anticipated transfer of funds had not been fully authorized in the previous legislation.

This bill will alleviate these reimbursement issues by reclassifying the Water Infrastructure Fund and the Rural Water Assistance Fund as special funds in the State Treasury and reclassifying the Colonia Self-help account as a separate account in the Water Development Board's Water Assistance Fund, which is an already-established fund in the State Treasury. These changes in fund-types allow the Water Development Board greater flexibility in providing funding for all borrowers participating in these programs.

In addition, this legislation expands the eligible uses of the Rural Water Assistance Fund. Currently, the Rural Water Assistance Fund may provide funding for water projects only, thereby limiting its usefulness to solving more of the water-related problems in rural areas of the State. The proposed changes expand the use of the Rural Water Assistance Fund to include wastewater projects.

Lastly, this legislation will remove the \$250,000 cap on loans that can be made by the pilot program for water and wastewater loans for rural communities. Current statutes placed the \$250,000 cap on the loans to assure a wider distribution of funding. However, demand for loans has been limited due to the maximum loan amount per project. Rural projects often are expensive because of the long distances required for service delivery and would be better served if the \$250,000 statutory limit were removed. In fiscal year 2006, the Water Development Board will report to the Legislature on the results of the pilot program and whether continuation of the program is necessary.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill makes the necessary changes in the Water Code to make the Water Infrastructure Fund a special fund in the State Treasury. It removes the \$250,000 dollar cap per project for the loans. The bill changes the Rural Water Assistance Fund to be a special fund in the State Treasury and establishes that water quality enhancement (i.e., wastewater) projects are valid recipients of Rural Water Assistance Fund. Also, the bill changes the Colonia Self-help account to be a separate account in the Water Development Board's Water Assistance Fund. Lastly, the bill adds the North

American Development Bank to a list of entities that are exempt from certain requirements when issuing bonds.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

SUMMARY OF COMMITTEE ACTION

SB 967

May 7, 2003 8:00AM

Considered in public hearing
Recommended to be sent to Local & Consent
Reported favorably without amendment(s)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 22, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB967** by Lucio (Relating to financial assistance and bonding authority in the development of certain water resources in the state.), **Committee Report 1st House, Substituted**

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Local Government Impact

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Source Agencies: 580 Water Development Board, 304 Comptroller of Public Accounts

LBB Staff: JK, CL, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 25, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB967 by Lucio (Relating to the water infrastructure fund, rural water assistance fund, rural community water and wastewater loan fund, and colonia self-help account.), **As Introduced**

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Source Agencies: 304 Comptroller of Public Accounts, 580 Water Development Board

LBB Staff: JK, CL, TL

S.B. No. 967

By LUCIO

A BILL TO BE ENTITLED

AN ACT:

relating to the water infrastructure fund, rural water assistance fund, rural community water and wastewater loan fund, and colonia self-help account.

MAR 06 2003 Filed with the Secretary of the Senate

MAR 13 2003 Read and referred to Committee on NATURAL RESOURCES

APR 22 2003 Reported favorably _____

APR 22 2003 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 01 2003 Ordered not printed

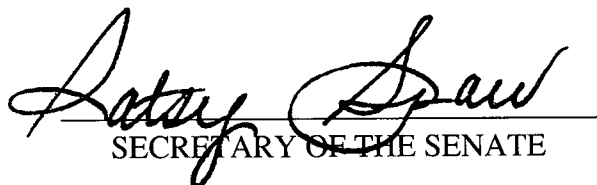
MAY 01 2003 Laid before the Senate

MAY 01 2003 Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays

MAY 01 2003 Read second time, _____, and ordered engrossed by: { ~~unanimous consent~~
a viva voce vote
_____ yeas, _____ nays

MAY 01 2003 Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.

MAY 01 2003 Read third time, _____, and passed by: { ~~A viva voce vote~~
31 yeas, 0 nays


SECRETARY OF THE SENATE

OTHER ACTION:

May 1, 2003 Engrossed

May 1, 2003 Sent to House

MAY 23 2003 — SB 967 LAID ON TABLE
SUBJECT TO CALL

Engrossing Clerk Mardi Alexander

MAY 01 2003 Received from the Senate

MAY 02 2003 Read first time and referred to Committee on Natural Resources

MAY 07 2003 Reported _____ favorably (~~as amended~~) (~~as substituted~~)

MAY 19 2003 Sent to Committee on (~~Colonias~~) (Local & Consent Calendars)

MAY 19 2003 Read second time (~~comm. subst.~~) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote) (~~record vote of _____ yeas, _____ nays, _____ present, not voting~~)

MAY 19 2003 Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

MAY 19 2003 Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (~~non-record vote~~) (record vote of _____ yeas, _____ nays, _____ present, not voting)

MAY 19 2003 Returned to Senate.

MAY 19 2003 Returned from House without amendment.

MAY 19 2003 Returned from House with _____ amendments.

MAY 19 2003 Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays